

CEMETERY BOARD MEETING

MINUTES

June 7, 2006

The Cemetery Board met on June 7, 2006, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following members were present:

Kenneth R. Bell
Isabel Berney
Carol Black
Delores King

The Following Board Members were not present: David M. Farris, II, Mike Doherty, and Michael Gony

DPOR staff present for all or part of the meeting included:

Nick Christner, Deputy Director
Christine Martine, Executive Director
Herb Nichols, Investigator
Earlyne Perkins, Legal Assistant
Chris Olson, Administrative Assistant

No representative from the Office of the Attorney General was present at the meeting.

Mr. Bell called the meeting to order at 9:10 AM

Call to Order

William A. Tucker, a member of the Board for Professional and Occupational Regulation, was present to observe the proceedings of the Board meeting. No one addressed the Board during the Public Comment period.

Public Comment

A motion was made by Mr. Bell and seconded by Ms. King to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, and King.

Agenda

A motion was made by Ms. Berney and seconded by Ms. Black to adopt the following minutes: January 11, 2006, Board Meeting. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, and King.

Minutes

In the matter of **File Number 2006-00931, Covenant Acquisition, LLC**, the Board reviewed the records which consisted of the Consent Order. A

File Number 2006-00931, Covenant Acquisition,

motion was made by Mr. Bell and seconded by Ms. Black to accept the Consent Order wherein Covenant Acquisition, LLC admits to a violation of 18 VAC 47-20-190.13 of the Board's 2000 Regulations and agrees to a monetary penalty of \$500 for the violation and agrees to pay \$150 in Board costs for a total of \$650. In addition, the Board shall waive imposition of the \$500 monetary penalty for Count 1 provided Covenant Acquisition LLC provides Margaret R. Crowder with two equivalent grave spaces within sixty (60) days of the effective date of this order. If Covenant Acquisition LLC fails to comply with these conditions, then the full monetary penalty will be automatically imposed. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, and King.

LLC

In the matter of **File Number 2006-02368 Holston View Cemetery Development Company Incorporated**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Ms. Berney and seconded by Ms. King to accept the Consent Order wherein Holston View Cemetery Development Company Incorporated admits to a violation of 18 VAC 47-20-220 of the Board's 2005 Regulations and agrees to a monetary penalty of \$250 for the violation. In addition, for violation of Count 1, Holston View Cemetery Development Company Incorporated agrees to provide the Board with evidence that a general price list of all merchandise and services is available to all persons inquiring about burial arrangements or prices within thirty days of entry of this Order. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, and King.

**File Number 2006-02368
Holston View Cemetery
Development Company
Incorporated**

In the matter of **File Number 2006-04003 Trinity Memorial Gardens, Inc.**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Mr. Bell and seconded by Ms. King to accept the Consent Order wherein Trinity Memorial Gardens, Inc. admits to a violation of 18 VAC 47-20-200.C of the Board's 2005 Regulations (Count 1) and §54.1-2324.A of the *Code of Virginia* (Count 2) and agrees to a monetary penalty of \$400 for the violations and agrees to pay \$150 in Board costs for a total of \$550. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Black, and King.

**File Number 2006-04003
Trinity Memorial
Gardens, Inc.**

The Board discussed what they would like to include on the legislation wish list for 2007. The Board agreed without dissent to include the following: changing the definition of a cemetery company needing a license to include any cemetery company which sells to the public including municipalities but not churches; requiring the Board to approve

Legislation Wishlist

the sale of a cemetery company and that the cemetery company be required to honor all contracts entered into by that company regardless of whether the current owner(s) were a party to the contract and that there can be no liens on cemetery property.

A motion was made by Ms. Berney and seconded by Ms. King to nominate Ken Bell as the Chairman. The motion passed unanimously. Members voting “Yes” were Bell, Berney, Black, and King. The Board agreed without dissent to nominate the Vice Chairman once the current vacancies have been filled.

Election of Officers

The meeting adjourned at 9:40 AM.

Adjourn

Kenneth Bell, Vice Chairman

Jay DeBoer, Secretary